

Status: This version of this provision is prospective.

Changes to legislation: United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, Section 41 is up to date with all changes known to be in force on or before 01 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024

2024 asp 1

PART 6

REMEDIAL REGULATIONS

PROSPECTIVE

41 Urgent remedial regulations

- (1) Where it appears to the Scottish Ministers that, for reasons of urgency, it is necessary to make remedial regulations without following the procedure in section 40, they may do so.
- (2) Immediately after making such remedial regulations, the Scottish Ministers must—
 - (a) give such public notice of the contents of the remedial regulations as they consider appropriate and invite persons wishing to make observations on the remedial regulations to do so, in writing, within the period of 60 days beginning with the day on which the regulations were made,
 - (b) lay the regulations, together with a statement of their reasons for having made them, before the Scottish Parliament.
- (3) The Scottish Ministers must have regard to any written observations submitted within the period mentioned in subsection (2)(a).
- (4) As soon as practicable after the end of that period, the Scottish Ministers must lay before the Scottish Parliament a document which—
 - (a) summarises the observations to which they had regard under subsection (3), and
 - (b) sets out the changes (if any) which they consider it appropriate to make to the remedial regulations.

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- (5) If changes have been specified under subsection (4)(b), the Scottish Ministers must make remedial regulations by virtue of this subsection giving effect to those changes and replacing the remedial regulations made under subsection (1).
- (6) Regulations under subsection (5) simply revoking remedial regulations made under subsection (1) are subject to the negative procedure.
- (7) Other regulations under subsection (5) are subject to the affirmative procedure.
- (8) If, at the end of the period of 120 days beginning with the day on which remedial regulations were made under subsection (1), the Scottish Parliament has not, by resolution, approved the remedial regulations or any remedial regulations made by virtue of subsection (5) replacing them, then the remedial regulations or (as the case may be) the replacement remedial regulations cease to have effect (but without that affecting anything done under those regulations or the power to make fresh remedial regulations, whether under the procedure set out in section 40 or this section).
- (9) Subsection (8) has no effect where the Scottish Ministers have, before the end of the period referred to in that subsection, simply revoked the remedial regulations made under subsection (1).
- (10) In calculating the periods of 60 or 120 days for the purposes of subsections (2)(a), (8) and (9) no account is to be taken of any period during which the Scottish Parliament is—
 - (a) in recess for more than 4 days, or
 - (b) dissolved.

Commencement Information

- II** S. 41 comes into force in accordance with s. 47(2)

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Changes and effects yet to be applied to :

- s. 41 coming into force by [2024 asp 1 s. 47\(2\)](#)